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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JILKA, Joseph M.  
SERIAL NO : 10/823,150  
FILED : April 13, 2004  
TITLE : METHODS AND COMPOSITIONS FOR OBTAINING DISEASE  
PROTECTION FOR ECONOMICALLY IMPORTANT ANIMALS.

Grp./A.U. : 1648  
Examiner : SALIMI, Ali Reza  
Conf. No. : 4559  
Docket No. : P04376US02

## AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Mail Stop Amendment  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 5, 2005, please amend the above-identified application as follows:

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

Date: 9/26/2005

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1648 at Fax No. (571) 273-8300.

  
Heidi S. Nebel

2201 100X7-700  
2202 25X13-325

stated that "Whichever mode of introduction of the vaccine to the mammalian subject is selected, it will be understood by those skilled in the art of vaccination that the selected mode must achieve vaccination at the lowest dose possible in a dose-dependent manner *and by doing so elicit serum and/or secretory antibodies* against the immunogen of the vaccine with minimal induction of systemic tolerance."

Applicant's invention is distinct from Lam in that it requires NO antibody response.

Lam et al do not teach the concept that administering a oral vaccine material expressed in a plant can provide general, non-specific protection against pathogens including protection against antigens other than those used to elicit the response. As this is an essential feature of the claimed invention, Applicants submit that Lam et al fails to anticipate independent claim 3 and therefore dependent claims 30-33. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### VI. Conclusion

Applicants submit that in light of the foregoing amendments and remarks, claims presented herein are in condition for allowance.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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